

United States District Court
Southern District of New York

Captain D.C. Anderson

- against -

CV

State University of New York (SUNY)

Columbia University

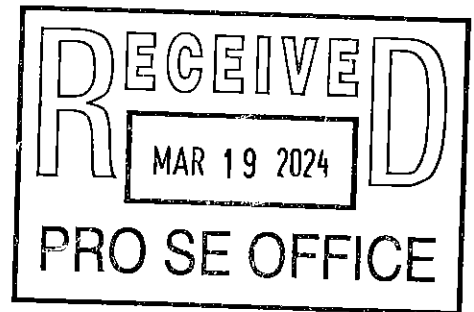
Rutgers University

Pace University

I do not want a jury trial

I. BASIS FOR JURISDICTION

This case is a question of Federal Law:



Title 1 of *The National Environmental Policy Act* (NEPA) contains a *Declaration of National Environmental Policy*. This policy requires the federal government to use all practicable means to create and maintain conditions under which man and nature can exist in productive harmony.

Captain D.C. Anderson is proceeding under Title 1. He will provide specific, science-based information, that will 1) delineate precisely how much damage has been done to the climate by human activity; and 2) show exactly what the consequences will be for our species in the coming years. No other environmental case has been able to provide this information.

Plaintiff is a citizen of the State of New York, County of Westchester.

II. PARTIES

Plaintiff Information

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Defendant Information

Defendant 1:

State University of New York System Administration
Office of General Counsel, 3rd Floor
H. Carl McCall SUNY Building
353 Broadway
Albany, New York 12246

Defendant 2:

Columbia University
535 West 116th Street
4th floor, Rm 412
Low Library
New York, NY 10027

Defendant 3:

Rutgers, The State University of New Jersey
Liberty Plaza
335 George Street, Suite 2160
New Brunswick, NJ 08901

Defendant 4:

Pace University
163 William Street
19th Floor
New York, New York 10038

III. STATEMENT OF CLAIM (Place and Date of occurrence)

The general public is not being told the truth about the severity of climate change, not by governments, not by industry and not by the four defendants in this case. As a result of this, the emission of carbon dioxide continues to increase every year. This is happening every day, and in every corner of every state, by every person, government, corporation and institution in this nation.

FACTS:

The Defendants are violating the variable laws of man, and the immutable laws of physics, by teaching their students, and thereby the public, that the future we are all moving into will be one where climate change is manageable, and sustainability is achievable. The below science makes it clear that both of these claims are scientifically impossible and false, and thereby fraudulent.

Every PhD level scientist and academic, in this country and around the world, remains

focused exclusively on the symptoms of climate change, and not the cause. This has resulted in climate change being misdiagnosed. The problem began in August of 1988. That's when Dr. James Hansen, a highly esteemed climate scientists from NASA, explained global warming, now called climate change, to the US Congress, and later to the world. He did this by describing climate change in scientific terms. In particular, he described the statistical variations in the severity and frequency of extreme weather events. Nothing Dr. Hansen said was incorrect. The problem is that this approach made climate change appear vastly more complicated than it really is. His presentation was essentially the script the public followed for the next 36 years and people tend to disengage when faced with a complex problem. That's exactly what has happened. The ensuing lack of public concern and action has allowed Big Oil, along with climate change deniers, to step in and fill the void with a concerted disinformation campaign. This has more or less continued for 36 years. As a result of this lack of meaningful action, climate change has progressed to the point where it can no longer be stopped.

The easiest way to summarize what has happened would be to use a metaphor. Suppose someone is not feeling well. They go to see Doctor A. Doctor A asks questions about the patient's general health, blood pressure and temperature. Then he asks questions concerning the symptoms; headache, coughing, and fever. In the end, Doctor A cannot be sure if it is a cold, the flu or pneumonia so he suggests bedrest for a week followed by another appointment. The next day the patient decides go to Doctor B. Doctor B draws blood and identifies the Covid 19 virus. The patient is immediately admitted to a hospital. I am the Doctor B of climate change. The science presented below represents the correct diagnosis of the problem:

1. The number of carbon atoms on, in, and around the Earth today, is exactly the same as it was when the Earth first formed; all that has changed is the location of the carbon. It is the location of the carbon that determines the Earth's temperature.
2. The principal reason the Earth is blue and green and livable, is because it has just the right amount of carbon in the Earth's atmosphere. Carbon in the atmosphere is

the only thing that traps thermal radiation; oxygen, nitrogen, and argon do not.

3. The only reason we have any civilization is because we have agriculture, and the only reason we have agriculture is because the climate calmed down and the weather became more predictable.
4. The only reason the weather became more predictable is because there was less thermal energy in the atmosphere and The only reason there was less thermal energy is because there was less carbon.
5. The only reason there was less carbon in the atmosphere is because a portion of it was removed by photosynthesis and converted to fossil fuels. Fossil fuels are carbon that is no longer in the atmosphere, and no longer in the carbon cycle.
6. If, any portion of the carbon removed from the atmosphere by photosynthesis, and stored in the Earth as fossil fuels, thus allowing the Earth to cool, is put back in the atmosphere, then the Earth's temperature must – once again – eventually increase to the same temperature it was before the carbon was removed. This is the *First Maxim of Climate Change*.
7. In order for humans to continue to live on Earth, a specific ratio must be maintained between the amount of carbon human activity puts back in the atmosphere, and the amount of carbon photosynthesis takes out of the atmosphere and converts to fossil fuels. This is the Carbon Ratio.

Figure 1 depicts the carbon cycle in its simplest form. Carbon can be stored in three reservoirs, in the earth, the ocean, or the atmosphere, as depicted by the three "Cs". Carbon can slowly migrate between these reservoirs but it always maintains the correct balance needed for life. This is the carbon cycle. This is what scientists remain focused on. While this approach is complicated it is not wrong, but nor is it completely right.

Figure 1

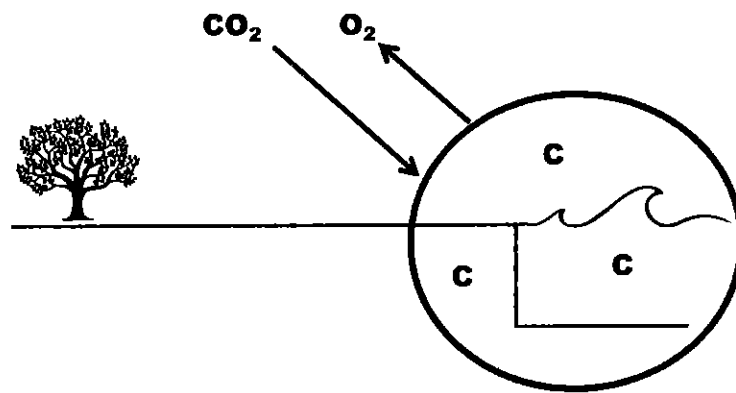


Figure 2

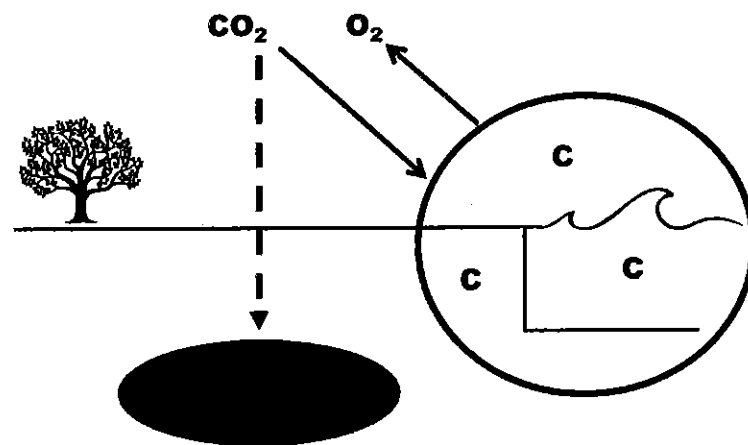


Figure 2 shows that some of the carbon removed from the atmosphere has been stored in the Earth as fossil fuels. This carbon is no longer part of the carbon cycle. The carbon cycle is extremely complex; the Carbon Ratio is not. This exchange of carbon, from the atmosphere into fossil fuels, is easy to understand and impossible to deny:

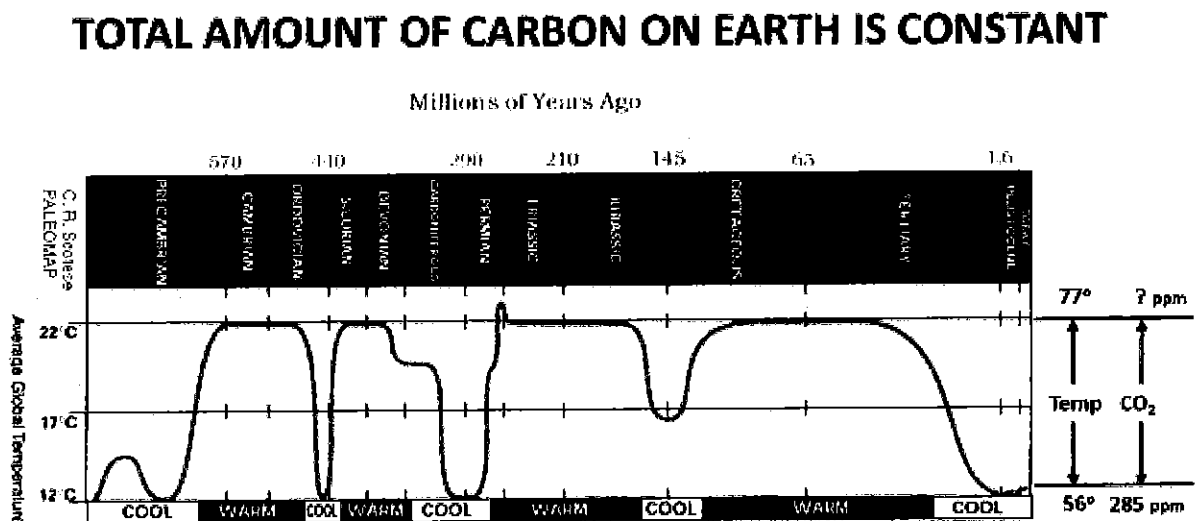
Everyone knows that CO_2 emissions are a problem. What we have failed to understand, until now, is exactly how serious the problem is. The public's consensus is that climate change will be manageable and sustainability is achievable. Both of these assumptions

can be shown to be scientifically impossible and completely false. For anyone, in any position, or any government or institution, to continue to assert this view of climate change to the public is both fraudulent, and extremely dangerous.

A more detailed explanation of the climate science follows. This is the science that the Defendants have either overlooked, or ignored:

Carbon in the atmosphere is the only thing that keeps the Earth from freezing over from pole to pole. There are three things that explain how hot the Earth will become because of carbon emissions: 1) how much carbon was in the atmosphere prior to the industrial period, and what was the Earth's temperature at that time, 2) how much of the same carbon human activity put back in the atmosphere, 3) how much carbon was in the atmosphere 50 million years ago, and what was the Earth's temperature at that time. We know the answers to numbers one and two because they can be measured. Number 3 can be calculated as shown in Figure 3.

Figure 3



Prior to the industrial period, we know there were 285 parts per million (ppm) of carbon in the atmosphere. We also know the Earth's ambient temperature was 56° F. Fifty million years ago, before the Earth began to cool, most scientists believe the Earth's ambient temperature was 77° F (Below I will show that, whatever the Earth's temperature was before it began to cool, does not matter.) We know this to be true because, over time, the relationship between carbon in the atmosphere, and the Earth's temperature, has to be linear. It is an undeniable fact that the Earth's ambient temperature corresponds to the amount of carbon in the atmosphere on a linear basis. By not acknowledging this simple fact the scientific community has complicate climate science to a degree where the public could not take climate change seriously.

Carbon is the only atom in the atmosphere that absorbs thermal energy and radiates it back to Earth; nitrogen, oxygen and argon do not absorb heat. Since the amount of carbon in the atmosphere, and the Earth's ambient temperature, varies linearly, this means there had to be 392 ppm of carbon in the atmosphere when the Earth was 77°. That's because 392 is to 77 just as 285 is to 56 (392 ppm is the only number I have generated on my own. Every other measurement comes from existing science.). This is an extremely important number when it comes to understanding climate change.

Every other estimate I have seen for the carbon concentration 50 million years ago is much higher than 392 ppm. The estimates ranged from 1140 ppm, to 850 ppm. The lowest estimate I found being 700 ppm, but even this estimate is 50% higher than 392 ppm. How these other estimates were determined is not clear. None of them appear to have come from empirical data analysis. However, a study done by the Institut Universitaire de France, Paris was different. Their results come from empirical research. They used carbon dating, and fossil records, to conclude that the concentration of carbon in the atmosphere 50 million years ago had to fall within the range of 150 ppm to 650 ppm; the mid-range of which is 400 ppm; 400 ppm is an approximation; 392 ppm is a calculation. This empirical study is sufficient proof that 392 ppm is the correct amount.

Since we know how much heat-trapping carbon was needed to cause the Earth to be 56° F (285 ppm), and we now know how much carbon had to be in the atmosphere if

the Earth was 77° F (392), and we know how much carbon human activity has put back in the atmosphere because we can measure the rate of increase in CO₂ concentrations at the Mauna Loa Observatory, located at 13,700 ft. in Hawaii, Figure 4, we can now determine exactly how hot the Earth's ultimate temperature will become based solely on the amount of carbon human activity has put back in the atmosphere.

Figure 4

Carbon in the Atmosphere vs. Earth's Temp.

Total carbon removed naturally; 392 ppm – 285 ppm = 107 ppm

Total carbon put back by humans; 415 ppm – 285 ppm = 130 ppm

130 ppm CO₂ replaced by man/107 ppm removed naturally = 1.21

Carbon Ratio 1.21 x temp differential 21° (77°-56°) = 25.4°F

25.4° + 56 ° preindustrial temperature = Final Temp of Earth **81.4°F**

But this leaves two questions: 1) how hot will the Earth become if we consider all of the carbon in the atmosphere, as measured from the ground up, and not just the amount measured at Mauna Loa (13,700 ft.), and 2) what if the scientists were wrong about the Earth's temperature 50 million years ago? What if the Earth was either hotter, or colder, than 77°? Would this change the calculations?

Figure 5 shows what would, or would not, happen if the Earth's temperature was other than 77° F. The column on the far left shows the Earth's estimated temperature increasing from 70° to 85°. The amount of carbon needed to be removed from the atmosphere at each temperature in order to cool the Earth to 56° also increases, from 71 ppm to 147 ppm. The temperature differential must also increase, from 14° to 29°. The only measurement that goes down when the temperature goes up, is the Carbon

Figure 5

Varying Post K/T Temps Does Not Change The Results

Earth's Temp	Carbon Replaced/ Carbon Removed	Temp. Diff. X	Carbon Ratio	Earth's Final Temp.
• 70°	130/71 (356 ppm)	14° F	1.83	81.6° F
• 72°	130/81 (366 ppm)	16° F	1.60	81.6° F
• 77°	130/107 (392 ppm)	21° F	1.21	81.4° F
• 80°	130/122 (407 ppm)	24° F	1.06	81.4° F
• 85°	130/147 (432 ppm)	29° F	.88	81.5° F

Ratio (The Carbon Ratio is the ratio of all the carbon human activity has put back in the atmosphere, divided by all the carbon photosynthesis removed from the atmosphere, and converted to fossil fuels.) When you change the Earth's prehistoric temperature, all the variables change except two: 1) if the amount of carbon humans put back in the atmosphere remains constant (130 ppm) then 2) the Earth's ambient temperature (81.4) must also remain constant. This confirms that the amount of carbon in the atmosphere is the only variable that causes the Earth's temperature to change.

In 50 million years the Earth cooled from 77° to 56°. In order for that to happen, photosynthesis had to remove 107 ppm of carbon from the atmosphere (392 ppm – 285 ppm), and convert it to fossil fuels. In the past 100+/- years, human activity has put 130 ppm of that same carbon back in the atmosphere (415 ppm – 285 ppm). The Carbon Ratio is therefore 1.21 (130 ppm of carbon replaced by man, divided by 107 ppm removed naturally by photosynthesis and converted to fossil fuels = 1.21.) The Earth's final temperature will be the Carbon Ratio of 1.21, times the temperature differential of 21° (77° - 56°) which equals 25.4°, added to the base rate of 56° = 81.4°. This is how hot the Earth will eventually become.

But the total amount of carbon in the atmosphere in 2019, if measured from the ground up, is at least twice as much as what's being reported at Mauna Loa (Figure 6). This carbon must also be counted because it will eventually contribute to the Earth's temperature. If we do the same calculation we did previously, but we use 260 ppm instead of 130 ppm, the Earth's temperature must, one day, increase to 107° F.

Figure 6

TOTAL CARBON IN THE ATMOSPHERE

1956 – Global GDP \$11 Trillion

6 Gt CO₂/yr. emitted ground level – rate of increase CO₂ at 13,700' **.7 ppm/yr.**

(6 Gt CO₂/yr. removed every yr. by photosynthesis and converted to fossil fuels)

2019 – Global GDP \$95 Trillion

36 Gt CO₂/yr. emitted ground level – rate of increase CO₂ at 13,700' **2.1 ppm/yr**

6 Fold Increase in Gt CO₂ emitted/yr. at ground level, (From 6 to 36)

3 Fold Increase in CO₂ concentrations measured at 13,700' (From .7 to 2.1)

According to scientists, our species will have difficulty surviving when the Earth's ambient temperature gets to just 64°. And yet, for some reason, the entire world, including the four Defendants, and including the 300 scientists who contributed to the United Nations IPCC report, remain fixated on an increase in the so called tipping point of 2.7° (1.5 C). The common sense evidence presented here is clear: there is already enough carbon in the atmosphere to, not only insure our species extinction (81.4°), but also to eventually cause the Earth to once again become a lifeless barren rock (107°).

Using the above calculations, the last time the Earth could have attained any degree of sustainability was in 1956. That's when photosynthesis removed about 6 Gigatons/yr. of carbon from the atmosphere and converted it to petroleum. At that time the Global GDP

was \$11 trillion and emitted about 6 Gigatons of carbon. The Carbon Ratio in 1956 was 6/6 or 1; 6 Gigatons of carbon taken out of the atmosphere, and 6 Gigatons of the same carbon put back. The last time any member of our civilization could have claimed and degree of sustainability was in 1956. In 2022 the Global GDP was \$110 Trillion and carbon emissions were about 40 Gigatons. The Carbon Ratio in 2022 was 6.7. The Earth is no longer sustainable. It is fraudulent for the Defendants to continue to encourage the public to work toward sustainability when sustainability is not possible?

Using only the information determined by scientists, it took photosynthesis about 50 million years to remove 107 ppm of carbon from the atmosphere and convert it to fossil fuels. That is a rate of about 0.0000024 ppm/yr. In the past 100+/- yrs., human activity has forced a grand total of 260 ppm of the same carbon back in the atmosphere. This means our civilization has not only replaced 242% of the carbon nature removed, we've also done it 1.3 million times faster.

It has been said that scientific discovery results when someone looks at the same data everyone else is, but does so from a different perspective; that's all I have done. This new, and disturbing, perspective on climate change is not what the public is currently being led to believe.

The only question that remains is why. Why don't our leaders, in government, industry, and even academia, tell the public the truth about what is happening to the climate. This assumes our leader know the truth and I have seen no indication that they do. Perhaps our leaders do know the truth, but they chose to not tell the public the truth because climate change is bad news and, telling the public bad news does not garner votes nor increase sales. It is unlikely that all leaders, all around the world, would agree to do that. It's more likely that the problem began 36 years ago when the world began to look at climate change from the wrong perspective. The public learned to focus on the symptoms of climate change, things like increased floods, droughts, and storms, etc., instead of focusing on the cause: the Carbon Ratio.

What follows is a partial list of the PhD level scientists I have spoken to, or attempted to

speak to, followed by a list of some of the New York State agencies I have reached out to. In each of these cases, it can be seen that the Defendants, along with the various New York State agencies, either do not understand the truth or, if they do understand, they have chosen to ignore it. (An example of the later would be the dichotomy that exists within the New York Attorney General's office.)

- **SUNY Maritime** My Graduate degree comes from SUNY Maritime but no scientist, nor anyone in administration, would speak to me about climate change.
- **SUNY College of Environmental Science**. Spoke to a professor and climate scientist. During our call he agreed to allow me to speak to his students. I sent him an outline of my presentation. He chose not to respond to me after that.
- **Columbia University's Lamont-Doherty Earth Observatory**. I was able to get Dr. Kristy Tinto to speak on the phone. She volunteered to read whatever I sent her, to share it with her colleagues, and respond. I sent her the information. After that, she would not respond to my repeated emails and phone messages. I then contacted LDEO's Director, Dr. Steven Goldstein, to ask why Dr. Tinto would not respond. He responded by asking his security detail to contact me and demand that I not contact LDEO again.
- **Rutgers**. Spoke at length with Dr. Alan Robock, Head of Rutgers climate science department. When I told him there had to be a linear relationship between the carbon in the atmosphere and the Earth's temperature, he disagreed. He said the relationship was logarithmic. He was correct, but only if considering the period after the industrial revolution. Based on his verbal response, it was clear he had not read, nor considered, the information I sent him.
- **University of Miami**. Spoke to Dr. Roni Avissar, Dean of the Rosenstiel School of Marine, Atmospheric, and Earth Science, in a video call. When I explained there had to be a linear relationship between the amount of carbon in the

atmosphere, and the Earth's temperature, he waved me off and ended the call.

- **Ohio State University** Spoke to Dr. Lonnie Thompson at length. I asked him why my calculations for the Earth's temperature were so much higher than everyone else. He explained that I did not factor in the thermal capacity of the oceans. This is another example of how scientists complicate climate change.
- **NYSERDA**. I met Doreen Harris, the Head of this organization, at a conference. She agreed to meet with me to discuss the climate science I had identified but she never did, nor would she return my emails and phone messages.
- **NYS DEC** The Head of this agency's Climate Change department, Maureen Leddy, agreed to an hour long video call. During the call I explained there was a linear relationship between carbon and the Earth's temperature. Using the science that supports this view, and comparing it to what the DEC alleges about sustainability, I was able to put her in a position where there was no reasonable answer. She did not disagree. Instead, she responded by saying nothing, literally. She just stared until I became uncomfortable and went on with my presentation. This happened twice during our call and both times Ms. Letty said nothing.
- **New York State Assistant AG**. I had an hour long video call with Michael Myers, the Assistant AG in charge of climate change litigation for NY State. There was also a PhD level scientists on the call. I explained this new perspective on climate change, to Mr. Myers and Dr. Charles Silverman. A week later Mr. Myers emailed me and explained his office was not, as I suggested, "*misleading*" the public when it came to climate change and sustainability. I then called Dr. Silverman and asked his opinion. He said, "*Interesting presentation. I cannot disagree with anything you said.*" These two, diametrically opposed, views cannot coexist if the New York State Government is to remain credible.
- **The SEC** They asked for public comment concerning corporate Greenwashing. I sent an explanation concerning the linear relationship between carbon and the

Earth's temperature. I received no response. As of 11 March the SEC has decreased their demands for corporate reporting on CO₂ emissions due to the increased complaints from corporations.

- **Corporations** Virtually every corporation is making unfounded claims concerning their ability to be sustainable. Many of these corporations have been made aware of the science that proves there is a linear relationship between carbon and the Earth's temperature and that, as a result, there can no longer be any degree of sustainability on Earth. None of the corporation I have contacted have taken any meaningful remedial action in this area.

Almost all of the science used in this Complaint is already widely accepted by the scientific community. This means there is no counter argument to 1) the common sense *First Maxim of Climate Change*, or 2) that, prior to the industrial period, there was a linear relationship between the amount of carbon in the atmosphere, and the Earth's ambient temperature, or 3) that the carbon concentration 50 million years ago had to be 392 ppm, or 4) that there is at least twice as much carbon in the atmosphere as is being reported by the Mauna Loa Observatory..

This means that, after 1956, when the Carbon Ratio was 1, the Defendants should not have made any claims about our civilization being sustainable, carbon neutral, or net zero, etc. Nor should they have continued to laud the benefits available from windmills, solar panels and EVs, nor pretend that there is any benefit from carbon sequestration, when there is none. It is unethical to misrepresent the truth about climate change to the public. Because of the scientific certainty surrounding the determination of the Carbon Ratio, it is also illegal for the Defendants to make any of the above claims.

I am not a scientist. I am a realist. My Graduate Degree is in the economics of energy, as measured in BTUs, not dollars. My thesis was on the optimization of energy use on ships. I was the first person in 125 years to use auxiliary wind propulsion on modern ships in order to reduce air and water pollution. I view the energy from fossil fuels differently than scientists do. Scientists tend to look at climate change on the molecular

level. I look at the big picture; I view climate change from a more practical perspective. I am asking the Court to view climate change from this more practical perspective.

INJURIES:

There are no words to adequately describe the scope and magnitude of the injuries I, along with the rest of the human race, will experience because of what mankind has inadvertently done to the Earth's climate. This problem is made all the worse because the leaders in our society either do not know the truth about what is happening, or they know the truth but chose to ignore it. The science is clear; every plant, animal and man, on Earth, will eventually pay the ultimate price. This will happen sooner, rather than later, because of the Defendant's unwillingness to admit the truth to their students, and consequently to the public. It is a fact that there is already enough carbon in the atmosphere to insure that the Earth's ambient temperature will rise to a level far beyond that in which humans can survive. We must begin to take the appropriate action.

IV. RELIEF

I am asking the Court for an Injunction to stop the Defendants from continuing to send students into the world thinking that climate change will somehow be manageable, and sustainability is achievable. I am also asking for a Summary Judgement in the amount of fifty million dollars (\$50,000,000) from each of the four defendants. This money would be used to begin a grassroots program to tell the public the truth about climate change. We will use this approach because, as Alex Azar, Head of former President Trump's Covid Task Force, said *"If you tell the public the truth they will generally to the right thing."*

The problem with this approach is it would require the Defendants to admit in Court that they had been looking at climate change from the wrong perspective. This would both be an uncomfortable position for any university to be in, and it would also be counterproductive to abruptly put this new perspective on climate change in the public domain. Should this happen, it would likely be disruptive to our economy and our society. Furthermore, the magnitude of change required in our civilization is so massive

it could never be forced down onto the public by any government, corporation or institution. This level of change much rise up in a grassroots type of movement. Gandhi had apparently learned when he said, *"If the people will lead, the leaders will follow."*

I am asking the Court to assign a judge in order to mediate a settlement agreement between the parties. I am also asking the Court to put pressure on the Defendants to settle in order to avoid the risk of their misdiagnosis of climate science becoming public. A settlement agreement would also avoid a possible Injunction and/or class action litigation and a large financial penalty. The negotiated settlement would include both money and intellectual cooperation. It would not stop the climate from becoming increasingly disruptive with each passing year, but it will help mankind to extend our tenure on Earth for as long as possible. It would also help to minimize the human suffering that will occur along the way. A negotiated settlement would be in the best interest of everyone.

PLAINTIFF'S CERTIFICATION AND WARNINGS

By signing below, I certify to the best of my knowledge, information, and belief that: 1) the complaint is not presented for any improper purposes; 2) the claims are supported by existing law or by a nonfrivolous argument to change existing law; 3) the factual contentions have evidentiary support of, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and 4) the complaint otherwise complies with the requirements of Federal Rule of Civil Procedure 11.

I agree to notify the Clerk's Office in writing of any changes to my address. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

19 March 2024

Signed: _____



Captain D.C. Anderson
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I have read, and I agree to, the Pro Se (Nonprisoner) Consent to Receive Documents Electronically.